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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,758	12/03/2004	Jens Ulrik Pedersen	071308.1030 (2004P11374WO)	6749
86528	7590	10/05/2009	EXAMINER	
King & Spalding LLP 401 Congress Avenue Suite 3200 Austin, TX 78701			NGUYEN, KHAI MINH	
			ART UNIT	PAPER NUMBER
			2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,758

Applicant(s)

PEDERSEN, JENS ULRIK

Examiner

KHAI M. NGUYEN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/13/2009 has been entered.

Applicant's arguments with respect to claims 15-32 have been considered but are moot in view of the new ground(s) of rejection.

All prior art references as applied are from same analogous art, all references are the same filed of endeavor, dealing with the same problem or pertinent to the problem that Applicants are facing. The rejection clearly states which reference teaches and the rationale as to why the examiner made a rejection based on combination of references. The claims basically recite an old combination of elements which under the "KSR" is not patentable OR (specifically). The claims "were combination which only unites old elements with no change in their respective functions and which yield predictable results. Therefore the claimed subject matter would have been obvious, and therefore not patentable, KSR, 127S. Ct at 1740, 82 USPQ 2d at 1936.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-32 are rejected under 35 U.S.C.103(a) as being unpatentable over Sheha et al. (U.S.Pub-20030016804), in view of Cuny et al. (U.S.Pub-20050141541).

Regarding claim 15, Sheha teaches a method for receiving location information, the method comprising:

receiving a message at a first terminal device indicating that a user of a second terminal device (abstract, [0020])..., the message including a geographical location of the second terminal device (abstract, [0022]); and

indicating the geographical location of the second terminal device to a user of the first terminal device (abstract, [0022]).

Sheha fails to specifically disclose wherein the message is a Push-to-Talk over Cellular terminal device; and terminal has pressed a talk button.

However, Cuny teaches wherein the message is a Push-to-Talk over Cellular terminal device ([0004] and [0046]); and terminal has pressed a talk button (fig.3: item 306, [0050] PTT switch).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha to reduce end-to-end delays during the conversation.

Regarding claim 16, Sheha and Cuny further teach a method for receiving location information as claimed 15, further comprising at least one of:

indicating a direction of the first (PoC) terminal device from the geographical location of the second (PoC) terminal device (see Sheha, abstract, [0022]);

indicating a distance of the first (PoC) terminal device from the second (PoC) terminal device (see Sheha, [0015]);

indicating a geographical location of the first (PoC) terminal device on a map together with the geographical location of the second (PoC) terminal device (see Sheha, abstract, [0014]); and

indicating coordinates of both the first (PoC) terminal device and the second (PoC) terminal device (see Sheha, abstract, [0014]).

Cuny further teaches Push-to-Talk over Cellular terminal device ([0004] and [0046]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha to reduce end-to-end delays during the conversation.

Regarding claim 17, Sheha, Hiller, and Cuny further teach a method for receiving location information as claimed in claim 15,

Cuny further teaches the message is a Push-to-Talk over Cellular message ([0004] and [0046]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha to reduce end-to-end delays during the conversation.

Regarding claim 18, Sheha and Cuny further teach a method for receiving location information as claimed in claim 17,

Cuny further teaches the Push-to-Talk over Cellular message is one of a REFER message, a Floor taken message ([0084]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha to reduce end-to-end delays during the conversation.

Regarding claim 19, Sheha teaches a method for transmitting location information, the method comprising:

writing information into a message ([0023] terminate the transfer/ granted), in response to a user of a first terminal device (abstract, [0020], [0023] terminate the transfer/ granted, [0047] additional information is added to the original message)... and describing a geographical location of the first terminal device (abstract, [0022]); and

transmitting the message to one of a second terminal device (abstract, [0022]) and a communications network (abstract, [0022]-[0023], [0025]).

Sheha fails to specifically disclose wherein the message is a Push-to-Talk over Cellular terminal device, and pressing a (PoC) talk button, the information indicating the user pressed the (PoC) talk button.

However, Cuny teaches wherein the message is a Push-to-Talk over Cellular terminal device ([0004] and [0046]), and pressing a (PoC) talk button (fig.3: item 306, [0050] PTT switch), the information indicating the user pressed the (PoC) talk button ([0003], [0084]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha to reduce end-to-end delays during the conversation.

Regarding claim 20, Sheha, Hiller, and Cuny further teach a method for transmitting location information as claimed in claim 19, wherein the information describing the geographical location of the first terminal device is written into the message only if a parameter controllable by the user of the first terminal device shows that the geographical location may be indicated (see Sheha, [0023]).

Cuny further teaches Push-to-Talk over Cellular terminal device ([0004] and [0046]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha to reduce end-to-end delays during the conversation.

Regarding claim 21, Sheha, Hiller, and Cuny further teach a method for transmitting location information as claimed in claim 19, wherein the information describing the geographical location of the first terminal device is written into the message only if a parameter controllable by the user of the first terminal device shows that the geographical location may be indicated to another terminal device to which the message is to be sent (see Sheha, abstract, [0022], [0023]).

Cuny further teaches Push-to-Talk over Cellular terminal device ([0004] and [0046]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha to reduce end-to-end delays during the conversation.

Regarding claim 22 is rejected with the same reasons set forth in claim 17.

Regarding claim 23 is rejected with the same reasons set forth in claim 18.

Regarding claim 24, Sheha teaches a terminal device, comprising:

a receiver, the receiver receiving a message indicating that a user of a further terminal device (abstract, [0020]) ..., the message including a geographical location of the further terminal device (abstract, [0022]); and

an indicator, the indicator for indicating the geographical location of the further terminal device to a user of the terminal device (abstract, [0022]).

Sheha fails to specifically disclose wherein the message is a Push-to-Talk over Cellular terminal device; and terminal has pressed a talk button.

However, Cuny teaches wherein the message is a Push-to-Talk over Cellular terminal device ([0004] and [0046]); and terminal has pressed a talk button (fig.3: item 306, [0050] PTT switch).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha to reduce end-to-end delays during the conversation.

Regarding claim 25 is rejected with the same reasons set forth in claim 16.

Regarding claim 26 is rejected with the same reasons set forth in claim 17.

Regarding claim 27 is rejected with the same reasons set forth in claim 18.

Regarding claim 28, Sheha teaches a terminal device, comprising:

a message generator, the message generator writing information into a message ([0023] terminate the transfer/ granted, [0047] additional information is added to the

original message), responsive to a user of the terminal device (abstract, [0020], [0023] terminate the transfer/ granted, [0047] additional information is added to the original message)... and describing a geographical location of the terminal device (abstract, [0022]); and

a transmitter, the transmitter transmitting the message to one of a further terminal device (abstract, [0022]) and a communications network (abstract, [0022]-[0023], [0025]).

Sheha fails to specifically disclose wherein the message is a Push-to-Talk over Cellular terminal device, and pressing a (PoC) talk button, the information indicating the user pressed the (PoC) talk button.

However, Cuny teaches wherein the message is a Push-to-Talk over Cellular terminal device ([0004] and [0046]), and pressing a (PoC) talk button (fig.3: item 306, [0050] PTT switch), the information indicating the user pressed the (PoC) talk button ([0003], [0084]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching the Cuny to Sheha to reduce end-to-end delays during the conversation.

Regarding claim 29 is rejected with the same reasons set forth in claim 20.

Regarding claim 30 is rejected with the same reasons set forth in claim 21.

Regarding claim 31 is rejected with the same reasons set forth in claim 17.

Regarding claim 32 is rejected with the same reasons set forth in claim 18.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI M. NGUYEN whose telephone number is (571)272-7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571.272.7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

/Khai M Nguyen/
Examiner, Art Unit 2617

9/29/2009